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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 DONALD CALVIN,

10 Plaintiff,

11 v.

12 WHATCOM COUNTY, *et al.*,

13 Defendants.

NO. C07-273-RSL

ORDER DENYING PLAINTIFF'S
MOTION FOR CLARIFICATION OF
ORDER TO SHOW CAUSE


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15 This matter comes before the Court on *pro se* plaintiff's "Motion for Clarification of
16 Court's Order of September 30, 2009 to Show Cause" (Dkt. #123), wherein plaintiff asks for
17 clarification of the Court's Order to Show Cause "by October 16, 2009 why the unserved
18 defendants should not be dismissed." Dkt. #114 at 15. The Court's Order, however, is clear:

19 *Plaintiff has indicated that Mr. Koch, Mr. Beld, and Mr. Richie, named for*
20 *the first time in the amended complaint, have not yet been served. Dkt.*
21 *##101, 106. The Court granted plaintiff's motion to amend the complaint,*
22 *and the amended complaint was filed, on April 28, 2009, Dkt. ##96, 102.*
23 *Pursuant to Fed. R. Civ. P. 4(m), "[i]f a defendant is not served within 120*
24 *days after the complaint is filed, the court – on motion or on its own after*
25 *notice to the plaintiff– must dismiss the action without prejudice against*
26 *that defendant or order that service be made within a specified time."*
27 *Plaintiff is hereby ordered to show cause why the complaint against these*
28 *remaining three defendants should not be dismissed.*

Dkt. # 114 at 1, n. 1 (emphasis added).

1 Plaintiff's motion is DENIED. The complaints against Messrs. Koch, Beld, and Richie are
2 DISMISSED without prejudice.¹

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4 DATED this 6th day of November, 2009.

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8 Robert S. Lasnik
9 United States District Judge
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25 ¹ The Court's Order required cause to be shown why the complaint should not be dismissed
26 against the unserved defendants by October 16, 2009. Plaintiff instead submits this "motion for
27 clarification" on that date. As detailed in its Order Granting Summary Judgment (Dkt. #114), the Court
has already shown remarkable patience with plaintiff's inability to meet deadlines by granting repeated
continuances and renoting motions. The Court now finds its patience exhausted.